

1 MICHAEL R.W. HOUSTON,  
2 CITY ATTORNEY  
3 GREGG M. AUDET (SBN 158682)  
E-mail: gaudet@anaheim.net  
200 S. Anaheim Boulevard, Suite 356  
Anaheim, California 92805  
4 Tel: (714) 765-5169 Fax: (714) 765-5123

5 Attorneys for Defendant CITY OF ANAHEIM,  
and OFFICER TIM SCHMIDT

7 SAYRE & LEVITT, LLP  
Federico Sayre (SBN 067420)  
8 Mahadhi Corzano (SBN 254905)  
333 Civic Center Drive West  
9 Santa Ana, CA 92701  
Tel: (714) 550-9117 Fax: (714) 716-8445

10 Attorneys for Plaintiff TRAVIS MOCK

12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

15 TRAVIS MOCK, an individual,,

16 Plaintiff,

17 v.

18 CITY OF ANAHEIM; ANAHEIM  
19 POLICE DEPARTMENT; OFFICER  
TIM SCHMIDT; and DOES 1-25  
inclusive,

20 Defendants.

Case No.: SACV12-829 BOS(Ex)

Assigned to: Hon. Beverly Reid  
O'Connell

Dept: 14

**SECOND AMENDED  
JOINT EXHIBIT LIST**

Pre Trial Conference:  
Date: September 23, 2013  
Time: 3:00 p.m.  
Courtroom: 14

Trial Date: October 22, 2013  
Time: 8:30 a.m.  
Courtroom: 714

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26 Defendants, City Of Anaheim and Officer Tim Schmidt, and Plaintiff  
27 Travis Mock hereby submit the following Joint Exhibit List pursuant to Local  
28 Rule 16-6.1:

<u>Mock v. Anaheim, et al.</u>		Case No.: SACV12-829 BOS(Ex)	
Ex. #	Description of Exhibit	Objection/Reason for Objection	Reason for Admissibility
1.	Photos of cell phone [D000504]		Admission Stipulated
2.	[Withdrawn]		
3.	Photos of cell phone [D000508]	Relevance – FRE 401 Prejudicial – FRE 403: The photograph depicts a toddler with the word “skum-fuck”. The Parties have already agreed to introduce a photograph of Plaintiff Mock’s cellular phone to support Defendant’s defense, thus making this exhibit duplicative. Also, the photograph is highly prejudicial since it is targeted to show Plaintiff as violent person. Also, the photograph is not relevant since Plaintiff’s cellular phone was	The Photos of plaintiff’s cell phones are relevant because they demonstrate that the phones could be turned on to access information that would identify Mock, which gave him motive to clutch the phone as he ran. Any potential prejudice can be cured with a proper limiting instruction.

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		turned off during the entire time the incident occurred, hence there is no reason to have a photographs of Plaintiff's cellular phone turned on.	
4.	Scene photo 1 [FXCD0035]	Foundation – FRE 602	Plaintiff will establish Foundation.
5.	Photo of plaintiff's arm injury.	Relevance – FRE 401 Prejudicial – FRE 403: The photograph depicts Plaintiff's bare left arm that is full of tattoos of skulls and an anarchy insignia and a scratch to his wrist. Plaintiff has not alleged injury to his left wrist and is not seeking damages. Moreover, the photograph is highly prejudicial because the tattoos will evoke	The photo depicts an abrasion on the back of plaintiff's wrist which is probative of the disputed issue of how plaintiff fell during the incident. Extensive tattoos may also be relevant to plaintiff's damage claims. Any potential prejudice can be cured with a proper limiting instruction.

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		emotional bias against Plaintiff.	
6.	Photos of silver car		Admission Stipulated
7.	Scene photo 2 [FXCD0006]		Admission Stipulated
8.	Photos of scene	Foundation – FRE 602	Plaintiff will establish Foundation.
9.	Scene photo 3 [FXCD0022]		Admission Stipulated
10.	Scene photo 4 [FXCD0027]		Admission Stipulated
11.	Mock photo 1 [FXCD0003]		Admission Stipulated
12.	Schmidt photo 1 [FXCD0003]		Admission Stipulated
13.	2/17/11 Mock Interview [D000192-245]		
14.	9/3/10 Notice re Parole [D000797]	Hearsay – FRE 802 Relevance – FRE 401 Prejudicial – FRE 403: The Notice re Parole has no bearing in this case since it was discovered	Mock's signed acknowledgement showing that he was a parolee at time of incident is probative of his motive to flee and motive to clutch

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		after the incident that Plaintiff was a parolee. Moreover, the document will be highly prejudicial because it will evoke an emotional bias against Plaintiff for being a parolee.	his cell phone from his pocket. Mock's parolee status is also relevant to plaintiff's damage claims for economic loss
15.	Plaintiff's responses to request for admissions	Relevance – FRE 401 Prejudicial – FRE 403, 609	Admitted felony convictions admissible under FRE 609.
16.	2/17/11 OCDA Supplemental Report [D000075-77]	Hearsay – FRE 802 Relevance – FRE 401 Prejudicial – FRE 403: The District attorney report should be excluded because the information in the report was gathered from several witnesses, officers and attorneys. Moreover, the DA report sets forth facts of the	Defendants offer this document solely for its description of the physical evidence obtained from plaintiff after the incident, including the clothing that plaintiff was wearing during the incident. Plaintiff's objections can be resolved by redaction of

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		case, based on several witnesses testimony, that occurred before the incident and after the incident, discusses the law, has legal analysis, and makes an opinion regarding Defendant's culpability.	extraneous material or stipulation.
17.	2007/08/02 APD Policy 300 – Use of Force [D000847-51]		
18.	APD Use of Force Training Bulletin [D000874-76]		
19.	Scene photo 5 [FXCD0002]	Foundation – FRE 602	The photograph illustrates the cul de sac and scene of the incident
20.	Scene photo 6 [FXCD0003]		Admission Stipulated
21.	Scene photo 7 [FXCD0015]	Foundation – FRE 602	Plaintiff will establish Foundation.

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Ex. #	Description of Exhibit	Objection/Reason for Objection	Reason for Admissibility
22.	Scene photo 8 [FXCD0016]	Foundation – FRE 602	Plaintiff will establish Foundation.
23.	Scene photo 9 [FXCD0036]	Foundation – FRE 602	Plaintiff will establish Foundation.
24.	Mock photo 2 [FXCD0016]		Admission Stipulated
25.	Mock photo 3 [FXCD0017]		Admission Stipulated
26.	Western Medical Center – Medical Records  [D000520-523; 530-541; 565; 569-579; 600-606; 673-674; 686-697; 708; 710-713; 725-729]	Foundation – FRE 602  Hearsay – FRE 802	Supports Plaintiff's injuries that resulted from his gunshot wound
27.	Western Medical Center – Billing Records  [7 pages]	Foundation – FRE 602  Hearsay – FRE 802  Disclosure – FRCP 26	Supports Plaintiff's outstanding medical expenses.
28.	Isaac Schmidt, M.D. – Billing Records  [1 page]	Foundation – FRE 602  Hearsay – FRE 802	Dr. Schmidt will testify as to the amount he charged Plaintiff to examine

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			him.
29.	10/11/12 report of orthopaedic consultation of Dr. Isaac Schmidt	[Per stip. - to refresh recollection only]	[not for admission]
30.	6/25/13 report of Joe Callanan	[Per stip. - to refresh recollection only]	[not for admission]
31.	6/26/13 report of Dr. Robert Baird	[Per stip. - to refresh recollection only]	[not for admission]
32.	7/27/13 report of Roger Clark	[Per stip. - to refresh recollection only]	[not for admission]
33.	8/7/13 supplement report of Dr. Isaac Schmidt	[Per stip. - to refresh recollection only]	[not for admission]
34.	District Attorney Letter Re: Officer Involved Shooting [D001037]	Relevance – FRE 401 Prejudicial – FRE 403 Foundation – FRE 602 Hearsay – FRE 802	Supports officer's failure to abide by police practice and guidelines and to credibility

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2 Dated: October 21, 2013  
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MICHAEL R.W. HOUSTON,  
CITY ATTORNEY

5 Bv: /s/ Gregg M. Audet  
6 Gregg M. Audet  
7 Attorneys for Defendants  
8 City of Anaheim and  
9 Officer Tim Schmidt

10 Dated: October 21, 2013  
11

SAYRE & LEVITT, LLP

12 Bv: /s/ Mahadhi Corzano  
13 Federico Sayre  
14 97340 Mahadhi Corzano  
15 Attorneys for Plaintiff Travis Mock  
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